

**REPLY EXHIBIT “F”**

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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

EUGENE TUMBARELLO, an Individual,  
SHAMROCK PAINTING, INC.,

Plaintiff,

vs.

ELIZABETH RAMSEY, an Individual;  
GREGG CHAMBERS, an Individual; DOES 1  
through 100; and ROE BUSINESS ENTITIES I  
through C, inclusive,

Defendants.

Case No. : A-17-763560-C

Dept. No.: XIX

**ARBITRATION EXEMPT**

**(Equitable, Declaratory and**

**Extraordinary Relief; Title to Real**

**Property)**

**ORDER DENYING JUDGMENT DEBTORS' CLAIMS OF EXEMPTION FROM**  
**EXECUTION AND ORDER GRANTING IN PART AND DENYING IN PART**  
**JUDGMENT DEBTORS' MOTION FOR STAY**

Date of Hearing: July 9<sup>th</sup>, 2019

Time of Hearing: 9:00 a.m.

Plaintiffs/Judgment Creditors EUGENE TUMBARELLO and SHAMROCK PAINTING  
INC.'s OBJECTION TO JUDGMENT DEBTOR ELIZABETH RAMSEY'S AND  
OBJECTION TO JUDGMENT DEBTOR GREGG CHAMBERS'S CLAIMS OF EXEMPTION  
FROM EXECUTION OR IN THE ALTERNATIVE DETERMINATION THAT CERTAIN  
PROPERTY OF JUDGMENT DEBTOR IS NOT EXEMPT FROM EXECUTION AND  
GRANTING MOTION TO SET ASIDE FRAUDULENT TRANSFER PURSUANT TO NRS  
112.140 *et. seq.*, as well as Judgment Debtors GREGG CHAMBERS and ELIZABETH

1 RAMSEY's MOTION FOR STAY, having come on for hearing on the 9<sup>th</sup> day of July, 2019.  
2 Plaintiffs EUGENE TUMBARELLO and SHAMROCK PAINTING INC. being represented by  
3 their counsel R. Christopher Reade, Esq. of the law firm of Cory Reade Dows & Shafer.  
4 Defendants ELIZABETH RAMSEY and GREGG CHAMBERS, being represented by their  
5 counsel Benjamin Childs, Esq. of the Benjamin B. Childs Chtd. with Defendant GREGG  
6 CHAMBERS also present. The Court having reviewed the papers and pleadings submitted on  
7 behalf of an by the respective parties, having read the Objections, Motions, Oppositions,  
8 Countermotions and/or Reply Briefs. The Court having heard argument of the parties and their  
9 counsel and for good cause appearing therefor, the Court hereby enters the following Findings of  
10 Fact, Conclusions of Law and Judgment.  
11

12 **FINDINGS OF FACT**

13 **THE COURT HEREBY FINDS** that this Court has already entered Judgment in favor  
14 of Plaintiffs/Judgment Creditors EUGENE TUMBARELLO and SHAMROCK PAINTING  
15 INC. and against Defendants/Judgment Debtors ELIZABETH RAMSEY and GREGG  
16 CHAMBERS [hereinafter collectively referred to as "Defendants"] regarding the ownership and  
17 investment of various monies and real property in Clark County, Nevada, more specifically (1)  
18 1201 Westlund Drive, Las Vegas, Nevada 89102 [hereinafter "the 1201 Property"] and (2) 1207  
19 Westlund Drive, Las Vegas, Nevada 89102 [hereinafter "the 1207 Property"] in the sum of  
20 \$221,735.99 and that this sum was reduced to Judgment in favor of EUGENE TUMBARELLO  
21 and SHAMROCK PAINTING and against Defendants ELIZABETH RAMSEY and GREGG  
22 CHAMBERS. This interest was not merely reduced to a Judgment but was also enforced as a  
23 Deed of Trust as against the 1207 Westlund property and 1201 Westlun property in accordance  
24 with the Settlement Agreement entered in this matter.  
25  
26

27 **THE COURT FURTHER FINDS** that the Judgment Creditors have duly noticed upon  
28

1 sales upon execution of the 1207 Westlund Property and 1201 Westlund properties for July 17<sup>th</sup>,  
2 2019 through the Office of Clark County Sheriff, Civil Division.

3 **THE COURT FURTHER FINDS** that the Judgment Debtors have filed claims of  
4 exemption to the Sheriff's Sales of the 1207 Westlund Property and 1201 Westlund properties  
5 based upon claims of homestead(s) on the 1207 Westlund and 1201 Westlund properties.

6 **THE COURT FURTHER FINDS** that the Judgment Creditors have filed timely  
7 objections to Judgment Debtors' claims of exemption to the Sheriff's Sales of the 1207 Westlund  
8 Property and 1201 Westlund properties.  
9

10 **THE COURT FURTHER FINDS** that the Judgment Creditors have filed a Motion for  
11 Stay of Execution on the Judgment to halt the sale of the 1207 Westlund Property and 1201  
12 Westlund properties.

13 **CONCLUSIONS OF LAW**

14 **THE COURT HEREBY FINDS** the judgment debtor has the burden to prove that he or  
15 she is entitled to the claimed exemption, NRS 21.112(6).  
16

17 **THE COURT FURTHER FINDS** that the homestead asserted by Judgment Debtor  
18 ELIZABETH RAMSEY in and to the 1201 Westlund property does not apply and that Judgment  
19 Debtor ELIZABETH RAMSEY has failed to meet her burden to prove that Judgment Debtor is  
20 entitled to the claimed exemptions in the 1201 Westlund property. Maki v. Chong, 119 Nev. 390,  
21 394, 75 P.3d 376, 379 (2003).  
22

23 **THE COURT FURTHER FINDS** that the homestead asserted by Judgment Debtor  
24 GREGG CHAMBERS in and to the 1207 Westlund property does not apply and that Judgment  
25 Debtor GREGG CHAMBERS has failed to meet his burden to prove that Judgment Debtor is  
26 entitled to the claimed exemptions in the 1207 Westlund property. Maki v. Chong, 119 Nev. 390,  
27 394, 75 P.3d 376, 379 (2003).  
28

1       **THE COURT FURTHER FINDS** that the Court is willing to grant a stay of execution  
2 in favor of Judgment Debtors ELIZABETH RAMSEY and GREGG CHAMBERS upon the  
3 condition that Judgment Debtors ELIZABETH RAMSEY and GREGG CHAMBERS post a  
4 supersedeas bond with the Court in the judgment sum of \$221,735.99 on or before July 23<sup>rd</sup>,  
5 2019, at which time the stay of execution would go into effect.

6       **THE COURT FURTHER FINDS** that should Judgment Debtors ELIZABETH  
7 RAMSEY and GREGG CHAMBERS not post a supersedeas bond with the Court in the  
8 judgment sum of \$221,735.99 on or before July 23<sup>rd</sup>, 2019 that no Stay shall issue in this matter  
9 and the Sheriffs' Sales of 1201 Westlund and 1207 Westlund shall proceed as noticed.  
10

11                               **ORDER**

12       **THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that by  
13 Judgment Debtor ELIZABETH RAMSEY'S Claim of Exemption in and to the 1201 Westlund  
14 property is DENIED.  
15

16       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that by Judgment  
17 Debtor GREGG CHAMBERS's Claim of Exemption in and to the 1207 Westlund property is  
18 DENIED.

19       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Judgment Debtors'  
20 Motion for Stay shall be and hereby is GRANTED IN PART.

21       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Judgment Debtor  
22 shall be given a stay of execution until July 23<sup>rd</sup>, 2019 at 5:00 p.m. Pacific Time pending the  
23 requirement on Defendants/Judgment Debtors to post a supersedeas bond in the sum of  
24 \$221,735.99.  
25

26       **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that if  
27 Defendants/Judgment Debtors post a supersedeas bond in the sum of \$221,735.99 on or before  
28

1 July 23<sup>rd</sup>, 2019 at 5:00 p.m. Pacific Time, then the Stay shall be entered and effective for the  
2 pendency of the appeal to the Nevada Supreme Court.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that if  
4 Defendants/Judgment Debtors do not post a supersedeas bond in the sum of \$221,735.99 on or  
5 before July 23<sup>rd</sup>, 2019 at 5:00 p.m. Pacific Time, then the Stay shall automatically terminate on  
6 July 23<sup>rd</sup>, 2019 at 5:00 p.m. Pacific Time, and the Sheriffs' Sales upon execution of the 1201  
7 Westlund Property and 1207 Westlund properties shall proceed.


8  
9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Defendants' Motions  
10 are denied in all other respects.

11 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Court shall  
12 conduct a status check hearing on July 30<sup>th</sup>, 2019 at 9:00 a.m. for such further proceedings.

13 DATED AND DONE this 15<sup>th</sup> day of July, 2019.

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18 DISTRICT COURT JUDGE  
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Submitted by:  
CORY READE DOWS & SHAFER

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